

Remarks

The specification and claims have been amended to provide further clarification and to provide adequate coverage for Applicants' contribution to the art. The drawings have been amended to conform them to the remainder of the specification. The amendments are clearly supported by the original disclosure, particularly at page 6, lines 20-23; and page 14, lines 5-10. It is respectfully submitted that no new matter has been added. Reconsideration of the present application in view of the foregoing amendments and the following remarks is respectfully requested.

The Examiner has objected to the drawings. The Examiner has required a drawing correction to show the items identified as "102", "104" and "F". As understood by Applicants' attorney, the Examiner has also required that the drawings be corrected to show the features recited in claims 7, 10, 18, 30 and 33.

Amended FIG. 4 and amended FIG. 8 identify the features described by the designations "102", "104", and "F" that are set forth in the original specification. The feature recited in claims 7, 18 and 30 is shown in the added FIG. 6A. With regard to the feature recited in original claim 10, it is respectfully submitted that the feature is already shown in original FIG. 21. With regard to the feature recited in original claim 33, it is respectfully submitted that the feature is already shown in original FIGs. 4-5, 7-11 and 16-20. FIG. 19 has been corrected to add a missing label, "L_{min}". It is respectfully submitted that the changes to FIG. 4 and FIG. 8, and the addition of FIG. 6A fully address the Examiner's objections to the drawings.

Accordingly, approval of the drawing changes, and withdrawal of the objections to the drawings are respectfully requested.

The present invention provides an absorbent article (40) such as a labial pad configured for disposition within the vestibule (42) of a female wearer. The labial pad may be worn by human females for catamenial purposes, incontinence protection or both, and has an absorbent member situated vertically between a cover and baffle. The absorbent has at least one notch (100) generally formed in the periphery thereof. Further aspects of the invention are set forth in the specification and claims.

As understood by Applicants' attorney, claims 1-4, 8, 10-15, 29, 23-27, 31 and 33-34 have been rejected under 35 U.S.C. § 102(b) as allegedly being unpatentable over PCT publication WO 98/57609 (hereinafter PCT '609). The rejection is respectfully **traversed**.

PCT '609, discloses absorbent devices that are worn interlabially by female wearers for catamenial purposes, incontinence protection. The interlabial absorbent device comprises a main absorbent

portion and a pair of flexible extensions joined to the main absorbent portion. The main absorbent portion has a distal surface and comprises an acquisition member and at least one storage member, in fluid communication with the acquisition member, that is disposed laterally outboard of the acquisition member. In use, the distal surface of the main absorbent portion is positioned furthest inward into the space between the wearer's labia majora. The pair of flexible extensions extends downwardly and laterally outward from the distal surface, and preferably is capable of maintaining contact with the inside surfaces of the wearer's labia majora. Additionally, the flexible extensions are preferably capable of covering the fingertips of the wearer as the absorbent device is inserted into the interlabial space. The interlabial device further preferably comprises a backsheet that is disposed on the surface of the flexible extensions that is opposite the body contacting surface thereof and on all surfaces of the main absorbent portion except the proximal surface.

PCT '609, however, does not disclose or suggest an absorbent article having an absorbent situated vertically between a cover and baffle in the arrangements called for by the currently presented claims. PCT '609 at page 8 teaches:

In the preferred embodiment shown in Figure 1, the main absorbent portion 22 of the interlabial device 20 has a length as measured along the longitudinal centerline, L, of between about 35 mm. and about 120 mm. Preferably, the length of the interlabial device 20 is between about 40 mm and about 100 mm, and more preferably, is between about 45 mm and about 90 mm. The dry caliper (or width) of the main absorbent portion 22 of the interlabial device, as measured in the lateral direction (or "y"-direction) under a confining pressure of 0.25 pounds per square inch (1.7 kPa), is preferably less than or equal to about 15 mm, more preferably the dry caliper is less than about 10 mm. Still more preferably, the dry caliper is less than about 8 mm. A method for dry caliper measurement is provided in the TEST METHODS section below. The depth (or "z"-direction dimension) of the main absorbent portion 22 is preferably between about 8 mm and about 35 mm, and more preferably about 20 mm. (*emphasis added*)

PCT '609 also does not disclose or suggest an absorbent article having at least one notch which extends inwardly from the periphery of the absorbent and extends through the entire z-axis thickness of the absorbent with the configurations called for by the claimed invention. Neither does PCT '609 teach a configuration having a notch situated on the principal longitudinal axis or principal transverse axis, as called for by particular claims of Applicants. As a result, the structures taught by PCT '609 would be less able to provide desired levels of leakage protection, comfort and low irritation during an intended wearing of the article. It is, therefore, readily apparent that PCT '609 does not disclose or suggest the invention called for by the currently presented claims.

Accordingly, reconsideration and withdrawal of the rejections are respectfully requested.

As understood by Applicants' attorney, claims 7, 18 and 30 have been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over PG '609 in view of WO 98/29075 by Procter & Gamble (hereinafter PG '075).

PG '075 discloses absorbent devices, and more particularly absorbent devices that are worn interlabially by female wearers for catamenial purposes, incontinence protection, or both. The absorbent interlabial device of the present invention comprises a main absorbent portion comprising a pleated structure and a pair of flexible extensions joined to the main absorbent portion. The main absorbent portion comprises an upper portion, and a lower portion opposed to the upper portion. In use, the upper portion is positioned furthest inward into the space between the wearer's labia majora. The pair of flexible extensions extends downwardly and laterally outward from the upper portion of the main absorbent portion, and preferably is capable of maintaining contact with the inside surfaces of the wearer's labia majora. Additionally, the flexible extensions are preferably capable of covering the fingertips of the wearer as the absorbent device is inserted into the interlabial space.

PG '075, however, fails to cure the deficiencies of PG '609. As taught by PG '075 in the paragraph bridging pages 7 and 8:

In the embodiment shown in FIG. 1, the main absorbent portion 22 of the interlabial device 20 has a length as measured along the longitudinal centerline, L, of between about 35 mm and about 70 mm. Preferably, the length of the interlabial device 20 is between about 45 and about 55 mm, and more preferably, is about 49 mm. The caliper (or width) of the main absorbent portion 22 of the interlabial device as measured in the transverse direction (or "y"-direction) is preferably less than or equal to about 8 mm, more preferably the caliper is between about 3 mm and about 6 mm, most preferably, the caliper is about 4.5 mm. Caliper measurements given herein were measured using an ANIES gage with a 0.25 psi (gauge) load and a 0.96 inch diameter foot. Those skilled in the art will recognize that if a 0.96 inch diameter foot is not appropriate for a particular sample size, the foot size may be varied while the load on the gauge is accordingly varied to maintain a confining pressure of 0.25 psi (gauge). The height (or 'Y'- direction dimension) of the main absorbent portion 22 is preferably between about 8 mm and about 35 mm, and more preferably is about 20 mm. *(emphasis added)*

As a result, a proper combination of PG '075 and PG '609 would still fail to teach an absorbent article having a cover, a baffle and an absorbent, wherein the absorbent has at least one notch which extends inwardly from the periphery of the absorbent and extends through the entire z-direction thickness of the absorbent, with the configurations called for by the claimed invention. Accordingly, a proper combination of PG '075 and PG '609 would still fail to disclose or suggest the invention called for by the currently presented claims. A proper combination of PG '075 and PG '609 would also still fail to teach an arrangement having a notch situated on the principal longitudinal axis or principal transverse axis, as called for by particular claims of Applicants. As a result, the structures taught by a proper combination of PG '075 and PG '609 would remain less able to

provide desired combinations of leakage protection, comfort, flexibility and low irritation during an intended wearing of the article. It is, therefore, readily apparent that a proper combination of PG '075 and PG '609 would not disclose or suggest the invention called for by the currently presented claims.

Accordingly, reconsideration and withdrawal of the rejections are respectfully requested.

Claims 1-34 have been provisionally rejected under the judicially created doctrine of obviousness-type double patenting in view of claims 1-33 of copending Application No. 10/036,635 in view of WO 98/57609 to Procter & Gamble.

A Provisional Terminal Disclaimer is enclosed. In view of the provisional terminal disclaimer, it is respectfully submitted the provisional, obviousness-type double patenting rejection has been overcome.

The prior art made of record and not relied upon has been considered pertinent to Applicants' disclosure. It is readily apparent that such art does not disclose or suggest Applicants' claimed invention.

For the reasons stated above, it is respectfully submitted that all of the currently presented claims are in condition for allowance. Accordingly, reconsideration and withdrawal of the rejections, and allowance of Applicants' presented claims are earnestly solicited.

Please charge any prosecutorial fees that are due to Kimberly-Clark Worldwide, Inc. deposit account number 11-0875.

The undersigned may be reached at: 920-721-2435.

Respectfully submitted,

RONALD L. EDENS, ET AL.

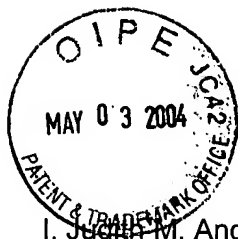
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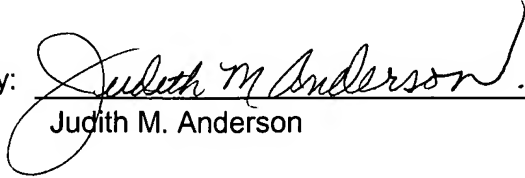
Enclosure



CERTIFICATE OF MAILING

I, Judith M. Anderson, hereby certify that on April 29, 2004 this document is being deposited with the United States Postal Service as first-class mail, postage prepaid, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

By:



Judith M. Anderson